



February 20, 2004

ENGROSSED SENATE BILL No. 36

DIGEST OF SB 36 (Updated February 18, 2004 1:39 pm - DI 75)

Citations Affected: Noncode.

Synopsis: Ballot language for constitutional amendments. Establishes the ballot language for the submission of three amendments to the Constitution of the State of Indiana concerning: (1) the exemption of certain property from taxation; (2) uniform start dates for terms for county constitutional officers; and (3) the general assembly's election of a governor and the temporary exercise of the governor's duties and powers when the offices of the governor and lieutenant governor are vacant. (The introduced version of this bill was prepared by the code revision commission.)

Effective: Upon passage.

Landske, Craycraft, Breaux
(HOUSE SPONSORS — MAHERN, RICHARDSON)

November 18, 2003, read first time and referred to Committee on Elections and Civic Affairs.

January 8, 2004, amended, reported favorably — Do Pass.

January 12, 2004, read second time, ordered engrossed. Engrossed.

January 13, 2004, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 4, 2004, read first time and referred to Committee on Rules and Legislative Procedures.

February 19, 2004, reported — Do Pass.

C
o
p
y

ES 36—LS 6115/DI 102+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 36

A BILL FOR AN ACT concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **The amendment**
2 **to Article 10, Section 1 of the Constitution of the State of Indiana**
3 **agreed to by the One Hundred Twelfth General Assembly**
4 **(P.L.189-2002) and the One Hundred Thirteenth General Assembly**
5 **(P.L.278-2003) shall be submitted to the electors of the state at the**
6 **2004 general election in the manner provided for the submission of**
7 **constitutional amendments under IC 3.**

8 (b) **Under Article 16, Section 1 of the Constitution of the State**
9 **of Indiana, which requires the general assembly to submit**
10 **constitutional amendments to the electors at the next general**
11 **election after the general assembly agrees to the amendment**
12 **referred to it by the last previously elected general assembly, and**
13 **in accordance with IC 3-10-3, the general assembly prescribes the**
14 **form in which the public question concerning the ratification of**
15 **this state constitutional amendment must appear on the 2004**
16 **general election ballot as follows:**

17 **"PUBLIC QUESTION #1**

18 **Shall Article 10, Section 1 of the Constitution of the State of**

ES 36—LS 6115/DI 102+



C
o
p
y

1 Indiana be amended to allow the General Assembly to make
 2 certain property exempt from property taxes, including (1) a
 3 homeowner's primary residence; (2) personal property used to
 4 produce income; and (3) inventory?".

5 (c) This SECTION expires January 1, 2005.

6 SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The amendment
 7 to Article 6, Section 2 of the Constitution of the State of Indiana
 8 agreed to by the One Hundred Twelfth General Assembly
 9 (P.L.187-2002) and the One Hundred Thirteenth General Assembly
 10 (P.L.279-2003) shall be submitted to the electors of the state at the
 11 2004 general election in the manner provided for the submission of
 12 constitutional amendments under IC 3.

13 (b) Under Article 16, Section 1 of the Constitution of the State
 14 of Indiana, which requires the general assembly to submit
 15 constitutional amendments to the electors at the next general
 16 election after the general assembly agrees to the amendment
 17 referred to it by the last previously elected general assembly, and
 18 in accordance with IC 3-10-3, the general assembly prescribes the
 19 form in which the public question concerning the ratification of
 20 this state constitutional amendment must appear on the 2004
 21 general election ballot as follows:

22 "PUBLIC QUESTION #2

23 Shall Article 6, Section 2 of the Constitution of the State of
 24 Indiana be amended to allow the General Assembly to establish a
 25 uniform date for the beginning of the terms of the county offices of
 26 clerk of the circuit court, auditor, recorder, treasurer, sheriff,
 27 coroner, and surveyor?".

28 (c) This SECTION expires January 1, 2005.

29 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The amendment
 30 to Article 5, Section 10 of the Constitution of the State of Indiana
 31 agreed to by the One Hundred Twelfth General Assembly
 32 (P.L.188-2002) and the One Hundred Thirteenth General Assembly
 33 (P.L.280-2003) shall be submitted to the electors of the state at the
 34 2004 general election in the manner provided for the submission of
 35 constitutional amendments under IC 3.

36 (b) Under Article 16, Section 1 of the Constitution of the State
 37 of Indiana, which requires the general assembly to submit
 38 constitutional amendments to the electors at the next general
 39 election after the general assembly agrees to the amendment
 40 referred to it by the last previously elected general assembly, and
 41 in accordance with IC 3-10-3, the general assembly prescribes the
 42 form in which the public question concerning the ratification of

C
o
p
y



1 this state constitutional amendment must appear on the 2004
2 general election ballot as follows:

3 "PUBLIC QUESTION #3

4 Shall Article 5, Section 10 of the Constitution of the State of
5 Indiana be amended to specify: (1) which state official acts as
6 governor when the office of governor and the office of lieutenant
7 governor are both vacant; and (2) the deadline for the General
8 Assembly to meet when either the House or the Senate cannot
9 assemble a quorum within forty-eight (48) hours after both offices
10 become vacant?".

11 (c) This SECTION expires January 1, 2005.

12 SECTION 4. An emergency is declared for this act.

C
o
p
y



SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author of Senate Bill 36.

LANDSKE

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 36.

LANDSKE

C
O
P
Y



COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 36, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 2, delete "5" and insert "**10**".

Page 1, line 2, delete "10" and insert "**1**".

Page 1, line 4, delete "(P.L.188-2002)" and insert "**(P.L.189-2002)**".

Page 1, line 5, delete "(P.L.280-2003)" and insert "**(P.L.278-2003)**".

Page 1, delete lines 17 and 18.

Page 2, delete lines 1 through 17, begin a new line and insert:

""PUBLIC QUESTION #1

Shall Article 10, Section 1 of the Constitution of the State of Indiana be amended to allow the General Assembly to make certain property exempt from property taxes, including (1) a homeowner's primary residence; (2) personal property used to produce income; and (3) inventory?"."

Page 3, line 1, delete "10" and insert "**5**".

Page 3, line 1, delete "1" and insert "**10**".

Page 3, line 3, delete "(P.L.189-2002)" and insert "**(P.L.188-2002)**".

Page 3, line 4, delete "(P.L.278-2003)" and insert "**(P.L.280-2003)**".

Page 3, delete lines 16 through 28, begin a new line and insert:

""PUBLIC QUESTION #3

Shall Article 5, Section 10 of the Constitution of the State of Indiana be amended to specify: (1) which state official acts as governor when the office of governor and the office of lieutenant governor are both vacant; and (2) the deadline for the General Assembly to meet when either the House or the Senate cannot assemble a quorum within forty-eight (48) hours after both offices become vacant?"."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 36 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 8, Nays 0.

ES 36—LS 6115/DI 102+



C
o
p
y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 36, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PELATH, Chair

Committee Vote: yeas 9, nays 0.

**C
o
p
y**

